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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,172	04/13/2004	Michael Primm	1017-0038-US	3740
34456	7590	10/07/2005	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			POPE, DARYL C	
			ART UNIT	PAPER NUMBER

2632

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/823,172

Applicant(s)

PRIMM ET AL.

Examiner

POPE C. DARYL

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/9/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. Claims 1-11,13-14, and 17-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson et al(5,400,246).

-- In considering claims 1,3-6,14,19-24, and 30-42 are the claimed subject matter that is met by Wilson et al(Wilson) includes:

1) the data management system to receive sensor data is met by the data monitor and control system as seen in figure 2;

2) the monitoring system is met by the PC(12) including Master Control Program which provides all monitoring functions of the system, including providing error object in accordance with a monitoring algorithm as provided by HYPERCARD(see: column 21, lines 11-50);

3) the alert handling system for accessing an alert profile with error objects associated with a sequence of actions, and configured to interpret the profile to apply program logic to selectively access an alert action definition is met by the Master Control program being configured to apply policy class definitions in the form of sophisticated Boolean logic expressions for the purpose of providing alerts to be displayed when monitored conditions are met(see: fig. 3K, column 17, lines 15-37).

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-- With regards to **claim 2**, the error object including severity and initial time is met by the PC logging all events to disk using a time-stamp format(see: column 9, lines 64-66).

-- With regards to **claims 7-11** and **25-29**, the capture definition, interpretation of the capture definition, the definition being attached to a notification message, and capture storage manager is met by the conditionals listed in the display box which provide an action are attached to notification messages(see: figure 3K) as input by the conditionals as entered in figure 3G(see: column 18, lines 7-25); the capture storage manager is met by the database of recorded events(see: column 18, lines 50-59).

-- With regards to **claim 13**, the journal based data management system is met by the event log functions of the system which provide a journal-log of events(see: column 18, lines 50-59).

-- With regards to **claim 17**, the sensor interface is met by the various X-10 modules which interface with the various sensors in the system and intercommunicate with the PC(12).

-- With regards to **claim 18**, the camera interface is met by the live video present to the user of the system via individual I/O bridge units(see: column 20, lines 54 et seq; column 21, lines 1-2).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al(Wilson).**

-- In considering **claims 12 and 15-16**, the examiner takes Official Notice that in the alarm monitoring art, web-based interface, network interface, and alert profiles initiating a communication via the network interface is well known, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these interfaces and alert profile into the system of Wilson, since Wilson already desires to communicate alarm information to a remote location(see: column 9, lines 60-64), and therefore implementation of the above stated interfaces would have facilitated transmission of information to the desired remote locations.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to POPE C. DARYL whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WU J. DANIEL can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

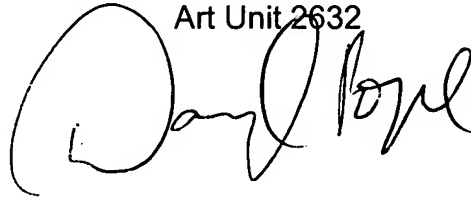
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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

Oct. 2, 2005

DARYL C POPE  
Primary Examiner  
Art Unit 2632

A handwritten signature in black ink, appearing to read "Daryl C. Pope", written over the printed name and title.